tions, an after-school Indian club, etc. When these are honest efforts to eliminate prejudices and instill pride and dignity, they are good. But when they are token, half-hearted efforted efforts because it is the "in thing" to do, they are bad. I believe it has to be the responsibility of Indian students like yourselves to keep the schools honest. Oklahomans for Indian Opportunity must forever be on-guard to protect Indian interest in the schools, to see that myths are replaced by facts.

This isn't an easy job, as I am sure you are well aware. For example, I think we have a promising Indian Education program in Minnesota, headed by Mr. Will Antell, an able and dedicated Chippewa. But, despite the gains we have made, we have to be ever-alert to schools unconscious adding anti-Indian materials to their curriculum. A couple years ago our Indian Education office began a sweeping inventory of history textbooks being used in elementary schools. The survey resulted in the elimination of a number of anti-Indian books. But just when we were beginning to feel satisfied over that job, the states Library Services Institute for Minnesota Indians learned last month that metropolitan school systems were using books which ridiculed sacred ceremonials and cultural traditions.

I know from my work on the Senate Indian Education Subcommittee that you Oklahoma students do not face any easy task. The Subcommittee's hearing at Twin Oaks in February 1968 documented a number of problems of Indians in the public schools. The Carnegie Corporation's report, "Who Should Control Indian Education," contained a less-than-optimistic picture of progress in its case study of the problems of getting an Indian elected to the all-white board of the all-Indian White Eagle School near Ponca City.

People are beginning to recognize that *cultural difference does not mean cultural inferiority*, that one can build on the strengths of Indian culture rather than try to destroy it, that Indians deserve control over the education of their own children.

Almost 200 years ago the leaders of Virginia, after signing a treaty with six Indian nations, offered to educate six of the chief's sons.

The chiefs were thankful for the offer, but they rejected it, noting that they had tried white man's education before.

Well, what was wrong with it? The white leaders ask.

According to the chiefs, their children had come back from white man's schools "bad runners, ignorant of every means of living in the woods; unable to bear the cold or hunger; they knew neither how to build a cabin, take a deer, or kill an enemy; spoke our language imperfectly; were therefore neither fit for hunters, warriors or counselors; they were totally good for nothing."

Perhaps, the Indians said, the governors would like to send a dozen white children to be educated with the Indians.

"We will take great care of their education," promised the chiefs. "Instruct them in all we know, and make men of them."

The white governors didn't take the Indians up on their offer, apparently thinking the Indians had little to offer. For 200 years non-Indians have felt that way. But now, the times they are a-changing. Whites are beginning to see the many good things in the Indian's way of life. They are beginning to learn they can learn something from the Indian. It's about time!

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

REPORTS ON REAPPORTIONMENTS OF APPROPRIATIONS

A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Department of Labor for "Trade adjustment activities," for the fiscal year 1970, had been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Department of Labor for "Grants to States for unemployment compensation and employment service administration" for the fiscal year 1970, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

REPORT OF INDIAN CLAIMS COMMISSION

A letter from the Chairman, Indian Claims Commission, reporting, pursuant to law, on the final conclusion of judicial proceedings regarding certain American Indian tribal claims (with accompanying papers); to the Committee on Appropriations.

PROPOSED LEGISLATION TO AUTHORIZE THE LONG-TERM CHARTERING OF SHIPS BY THE SECRETARY OF THE NAVY

A letter from the Acting Secretary of the Navy, transmitting a draft of proposed legislation to authorize the long-term chartering of ships by the Secretary of the Navy, and for other purposes (with an accompanying paper); to the Committee on Armed Services.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the management of Government industrial plant equipment kept for possible future use, Department of Defense, dated April 7, 1970 (with an accompanying report); to the Committee on Government Operations.

REPORT OF THE GIRL SCOUTS OF THE UNITED STATES OF AMERICA

A letter from the President and National Executive Director, Girl Scouts of the United States of America, transmitting, pursuant to law, the twentieth annual report of the Girl Scouts for the fiscal year ended September 30, 1969 (with an accompanying report); to the Committee on Labor and Public Welfare.

REPORT OF THE POSTMASTER GENERAL

A letter from the Postmaster General, transmitting, pursuant to law, a revenue and cost analysis report of the Department for fiscal year 1969 with an accompanying report); to the Committee on Post Service and Civil Service.

PROSPECTUSES PROPOSING CONSTRUCTION OR ALTERATION OF PUBLIC BUILDINGS FOR POST OFFICE DEPARTMENT USE

A letter from the Acting Administrator, General Services Administration, transmitting, pursuant to law, prospectuses proposing construction or alteration of certain public buildings for use by the Post Office Department (with accompanying papers); to the Committee on Public Works.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. FULBRIGHT (by request):

S. 3691. A bill to amend the Foreign Service Act of 1946, as amended, to lower the mandatory retirement age for Foreign Service officers who are career ministers; to the Committee on Foreign Relations.

(The remarks of Mr. FULBRIGHT when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. MURPHY (for himself and Mr. CRANSTON):

S. 3692. A bill to amend section 2(3), section 8c(2), section 8c(6)(I), and section 8c(7)(C) of the Agricultural Marketing Agreement Act of 1937, as amended; to the Committee on Agriculture and Forestry.

(The remarks of Mr. MURPHY when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. SPARKMAN (for himself and Mr. BENNETT) (by request):

S. 3693. A bill to amend section 3(d) of the Bank Holding Company Act of 1956; to the Committee on Banking and Currency.

By Mr. METCALF (for himself and Mr. MANSFIELD):

S. 3694. A bill providing that certain privately owned irrigable lands in the Milk River project in Montana shall be deemed to be excess lands; to the Committee on Interior and Insular Affairs.

By Mr. HART:

S. 3695. A bill for the relief of Irena Jardzioch; to the Committee on the Judiciary.

By Mr. MOSS:

S. 3696. A bill to amend title 5, United States Code, to provide for the temporary or intermittent employment of experts, consultants, or stenographic reporters, and for other purposes; to the Committee on Post Office and Civil Service.

(The remarks of Mr. Moss when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. MONDALE (for himself, Mr. BURDICK, Mr. CRANSTON, Mr. EAGLETON, Mr. GRAVEL, Mr. HARRIS, Mr. HART, Mr. HARTKE, Mr. HUGHES, Mr. INOUYE, Mr. JACKSON, Mr. JAVITS, Mr. MANSFIELD, Mr. MCCARTHY, Mr. MCGEE, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MOSS, Mr. MUSKIE, Mr. NELSON, Mr. PERCY, Mr. RANDOLPH, Mr. RIBICOFF, Mr. WILLIAMS of New Jersey, Mr. YARBOROUGH, and Mr. YOUNG of Ohio):

S. 3697. A bill to amend the Federal Water Pollution Control Act, as amended, and for other purposes; to the Committee on Public Works.

(The remarks of Mr. MONDALE when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. SCOTT (for himself, Mr. SCHWEIKER, Mr. TOWER, Mr. MANSFIELD, Mr. RANDOLPH, Mr. DOLE, Mr. FANNIN, and Mr. GOLDWATER):

S.J. Res. 192. A joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of voluntary prayer or meditation in public schools and other public buildings; to the Committee on the Judiciary.

(The remarks of Mr. SCOTT when he introduced the joint resolution appear earlier in the RECORD under the appropriate heading.)

S. 3691—INTRODUCTION OF A BILL TO AMEND THE FOREIGN SERVICE ACT OF 1946, AS AMENDED

Mr. FULBRIGHT. Mr. President, by request, I introduce for appropriate reference a bill to amend the Foreign Service Act of 1946, as amended, to lower the mandatory retirement age for Foreign Service officers who are career ministers.

The bill has been requested by the Secretary of State and I am introducing it in order that there may be a specific bill to which Members of the Senate and the

public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the Secretary dated March 23, 1970, to the Vice President and the explanation of the proposed bill.

The PRESIDING OFFICER (Mr. RIBICOFF). The bill will be received and appropriately referred; and, without objection, the bill, letter, and explanation will be printed in the RECORD.

The bill (S. 3691) to amend the Foreign Service Act of 1946, as amended, to lower the mandatory retirement age for Foreign Service officers who are career ministers, introduced by Mr. FULBRIGHT, by request, was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

S. 3691

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 631 and 632 and the headings thereto of the Foreign Service Act of 1946 (22 U.S.C 1001 and 1002) are amended to read as follows:

"FOREIGN SERVICE OFFICERS WHO ARE CAREER AMBASSADORS

"SEC. 631. Any Foreign Service officer who is a career ambassador, other than one occupying a position as chief of mission or any other position to which he has been appointed by the President, by and with the advice and consent of the Senate, shall be retired from the Service at the end of the month in which he reaches age sixty-five and receive retirement benefits in accordance with the provisions of section 821, but whenever the Secretary shall determine it to be in the public interest, he may extend such an officer's service for a period not to exceed five years. Any such officer who hereafter completes a period of authorized service after he reaches age sixty-five shall be retired at the end of the month in which he completes such service.

"PARTICIPANTS IN THE FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM WHO ARE NOT CAREER AMBASSADORS

"SEC. 632. Any participant in the Foreign Service Retirement and Disability System, other than one occupying a position as chief of mission or any other position to which he has been appointed by the President, by and with the advice and consent of the Senate, who is not a career ambassador shall be retired from the Service at the end of the month in which he reaches age sixty and receive retirement benefits in accordance with the provisions of section 821, but whenever the Secretary shall determine it to be in the public interest, he may extend such participant's service for a period not to exceed five years. Any such officer who hereafter completes a period of authorized service after he reaches age sixty shall be retired at the end of the month in which he completes such service."

SEC. 2. The amendment made by section 1 shall be effective upon enactment, except that any Foreign Service officer who is or become a career minister and who is not occupying a position to which he has been appointed by the President, by and with the advice and consent of the Senate, shall be mandatorily retired for age in accordance with the schedule below and receive benefits under section 821 of the Foreign Service Act of 1946, as amended, unless the Secretary determines it to be in the public interest to extend his service for a period not to exceed five years.

RETIREMENT SCHEDULE

(1) Any career minister who reaches age sixty-five during the month of enactment of this Act shall be retired at the end of such month;

(2) Other career ministers who are age 60 or over as of the date of enactment of this Act shall be retired at the end of the month which contains the mid-point between the last day of the month of enactment of this Act and the last day of the month during which the officer would reach age sixty-five, counting thirty days to the month; and

(3) On the last day of the thirtieth month which ends after the date of enactment of this Act, all other career ministers who are age 60 or over shall be retired, and thereafter the amendment made by section 1 shall be applicable in all cases.

(4) Any career minister who completes a period of authorized service after he reaches mandatory retirement age as provided in the above schedule shall be retired at the end of the month in which he completes such service.

The letter and explanation, presented by Senator FULBRIGHT, are as follows:

THE SECRETARY OF STATE,
Washington, March 23, 1970.

HON. SPIRO T. AGNEW,
President of the Senate.

DEAR MR. VICE PRESIDENT: Enclosed is a draft bill "To amend the Foreign Service Act of 1946, as amended, to lower the mandatory retirement age for Foreign Service officers who are career ministers."

The bill would lower the mandatory retirement age for career ministers from age 65 to 60. However, such officers would continue to be exempt from mandatory retirement for age while serving in positions to which they have been appointed by the President, by and with the advice and consent of the Senate. The bill would continue the Secretary's authority to extend the service of any officer for up to five years beyond mandatory retirement. This would insure that the lowered retirement age would not work to the detriment of the public interest. The bill also provides for a gradual implementation of the change in order that affected officers may have time to make necessary adjustments.

The majority of Foreign Service officers who attain the rank of career minister serve, during their remaining careers, in chief of mission positions or in other positions to which they are appointed by the President. After it has been determined that a career minister past age 60 will no longer serve as a chief of mission or fill a position requiring appointment by the President, he should be mandatorily retired as in the case of all other Foreign Service officers in class 1 and below. This change will serve to accelerate retirement of career ministers who are not assigned or appointed to positions of the type for which career ministers are needed. A detailed explanation of the bill is enclosed.

The Department has been informed by the Bureau of the Budget that there would be no objection from the standpoint of the President's program to the enactment of this legislation. We would appreciate early consideration of this proposal.

Sincerely yours,

WILLIAM P. ROGERS.

EXPLANATION

The proposed legislation would lower the mandatory retirement age for career ministers from age 65 to age 60. Such officers would continue to be exempt from mandatory retirement for age while serving in positions to which they have been appointed by the President, by and with the advice and consent of the Senate. Also, the Secretary would retain the authority to extend the service of any officer for up to five years beyond mandatory retirement.

The majority of Foreign Service officers who attain the rank of career minister serve, during their remaining careers, in chief of mission positions or in other positions to which they are appointed by the President. When it has been determined that an officer past age 60 who has been promoted to the rank of career minister will no longer serve as a chief of mission or fill a position requiring appointment by the President, he should be mandatorily retired as in the case of all other Foreign Service officers of classes 1 and below. This change will serve to accelerate retirement of career ministers who are not assigned or appointed to positions of the type for which career ministers are needed.

There should be some delay in putting such a change into effect in order to provide the affected officers time to make necessary adjustments. The period of delay should take into account both the legitimate career expectations of officers now serving as career ministers and the Service's need for an early effective date of the new regulation. The attached draft legislation specifies that for officers age 60 or over at the time of enactment, the effective date would be set midway between the date of enactment and the date the officer concerned reaches 65.

For example, the retirement date under the proposed legislation for an officer 64 years old at the time of enactment whose 65th birthday is ten months hence would be five months after the date of enactment. A 62 year old officer whose 65th birthday was to be 30 months hence would be subject to retirement 15 months after the date of enactment. An officer whose 60th birthday coincided with the date of enactment would be subject 30 months hence. This 30-month date would be the outerlimit, and the end of that month would be the effective date of the legislation for all career ministers reaching 60 after the date of enactment. Thus after two and a half years following the date of enactment, all career ministers would be mandatorily retired on reaching the age of 60, unless they were serving at that time in positions to which they were appointed by the President with Senate confirmation, or unless they were extended by the Secretary.

The proposed legislation also includes two technical changes. The first would permit all participants in the Foreign Service retirement system to work and earn retirement credit until the end of the month in which they reach mandatory retirement age. Present wording in the law prevents them from earning retirement credit past the birthday on which they reach such age. Since Foreign Service annuities do not begin before the first of the month following retirement, the change would be both equitable to participants and simplify administration for the Department.

The second technical change would make explicit what has long been done in practice, namely, to require the retirement of officers serving after mandatory retirement age either as a result of a Presidential appointment or of an extension by the Secretary. Such retirement would take place at the end of the month in which such service was completed.

COMPARATIVE

EXISTING LEGISLATION	PROPOSED LEGISLATION
FOREIGN SERVICE OFFICERS WHO ARE CAREER AMBASSADORS [OR CAREER MINISTERS]	FOREIGN SERVICE OFFICERS WHO ARE CAREER AMBASSADORS
SEC. 631. Any Foreign Service officer who is a career ambassador [or a career minister], other than one occupying a position as chief of mission or any other position to which he has been appointed by the President, by and with the advice and consent of the Senate, shall [upon reaching the age of sixty-five,] be retired from the Service and receive retirement benefits in accordance with the provisions of section 821, but whenever the Secretary shall determine it to be in the public interest, he may extend such an officer's service for a period not to exceed five years.	SEC. 631. Any Foreign Service officer who is a career ambassador other than one occupying a position as chief of mission or any other position to which he has been appointed by the President, by and with advice and consent of the Senate, shall be retired from the Service *at the end of the month in which he reaches age sixty-five* and receive retirement benefits in accordance with the provisions of section 821, but whenever the Secretary shall determine it to be in the public interest, he may extend such an officer's service for a period not to exceed five years. *Any such officer who hereafter completes a period of authorized service after he reaches age sixty-five shall be retired at the end of the month in which he completes such service.*
PARTICIPANTS IN THE FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM WHO ARE NOT CAREER AMBASSADORS [OR CAREER MINISTERS]	PARTICIPANTS IN THE FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM WHO ARE NOT CAREER AMBASSADORS
SEC. 632. Any participant in the Foreign Service Retirement and Disability System, other than one occupying a position as chief of mission or any other position to which he has been appointed by the President, by and with the advice and consent of the Senate, who is not a career ambassador [or a career minister] shall [, upon reaching the age of sixty,] be retired from the Service and receive retirement benefits in accordance with the provisions of section 821, but whenever the Secretary shall determine it to be in the public interest, he may extend such participant's service for a period not to exceed five years.	SEC. 632. Any participant in the Foreign Service Retirement and Disability System, other than one occupying a position as chief of mission or any other position to which he has been appointed by the President, by and with the advice and consent of the Senate, who is not a career ambassador shall be retired from the Service *at the end of the month in which he reaches age sixty* and receive retirement benefits in accordance with the provisions of section 821, but whenever the Secretary shall determine it to be in the public interest, he may extend such participant's service for a period not to exceed five years. *Any such officer who hereafter completes a period of authorized service after he reaches age sixty shall be retired at the end of the month in which he completes such service.*
None.	EFFECTIVE DATE—SECTION 2 OF BILL
	SEC. 2. The amendment made by section 1 shall be effective upon enactment, except that any Foreign Service officer who is or becomes a career minister and who is not occupying a position to which he has been appointed by the President, by and with the advice and consent of the Senate, shall be mandatorily retired for age in accordance with the schedule below and receive benefits under section 821 of the Foreign Service Act of 1946, as amended, unless the Secretary determines it to be in the public interest to extend his service for a period not to exceed five years.
None.	*Retirement schedule* *(1) Any career minister who reaches age sixty-five during the month of enactment of this Act shall be retired at the end of such month;* *(2) Other career ministers who are age 60 or over as of the date of enactment of this Act shall be retired at the end of the month which contains the mid-point between the last day of the month of enactment of this Act and the last day of the month during which the officer would reach age sixty-five, counting thirty days to the month; and* *(3) On the last day of the thirtieth month which ends after the date of enactment of this Act, all other career ministers who are age 60 or over shall be retired, and thereafter the amendment made by section 1 shall be applicable in all cases.* *(4) Any career minister who completes a period of authorized service after he reaches mandatory retirement age as provided in the above schedule shall be retired at the end of the month in which he completes such service.*

S. 3692—INTRODUCTION OF A BILL TO AMEND THE AGRICULTURAL MARKETING AGREEMENT ACT OF 1937, AS AMENDED.

Mr. MURPHY. Mr. President, I rise to introduce a bill as an amendment to the Agricultural Marketing Agreement Act of 1937, to permit the inclusion of canning pears.

The basic purpose of this legislation is to enable pear producers in the States in which pears for processing are primarily grown to enter into a multi-State marketing agreement if they elect to do so. The Agricultural Marketing Agreement Act of 1937 is the cornerstone of the self-help program through which farm producers work together essentially at their own expense in order to obtain more orderly and stable production and marketing of their products. It now covers a number of commodities including pears for fresh shipment.

Canning pears are produced in a number of States, with most of the production centered in California, Oregon, and Washington. Through State programs, pear producers in the Pacific coast States have attempted to work together for some years particularly in industry promotion. It appears clear that through a regional order the pear producers would be able to work together much more efficiently both in their efforts to promote the processed product and also in other respects such as research and study relating to the production of pears. The bill I have introduced is actually enabling legislation which simply would make it possible for some suitable program to be adopted at a later date.

There are a number of special features in this bill which are designed to meet reasonable concerns which have been expressed:

First. A substantially similar bill, H.R. 2690, has already been approved by the House Agriculture Committee and is awaiting action on the House floor. In the committee hearings, the pear producers have made it clear that they will assume the cost of any assessments levied if a program is adopted and, therefore, no cost will fall upon the pear canners.

Second. The pear producers in a given State must by a two-thirds vote approve any marketing order before it can become applicable to pears produced in that State. Moreover, they are given the right, once an order has been adopted applicable to them, to elect to terminate its application to them by a similar vote. This is to make certain that no one State, more populous than others involved in a proposed order, would possibly dominate the others.

Third. It is explicitly clear that no program adopted can be made applicable to the canned or otherwise processed pears.

Fourth. Pear processors are given representation up to one-third of the total membership of the administrative committee which must recommend to the Secretary of Agriculture and administer any program. This representation is particularly significant since the Secretary of Agriculture requires a two-thirds vote

of the committee for approval of any program or amendment.

I believe that this legislation is in the best interests of the public as well as the pear producers because it is a democratic way of enabling those involved in pear production to help themselves, at their own expense, achieve more stability and order in the production and marketing of their products. This approach is essential to the survival of the independent farmer who produces pears and who is so important to our society.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. GRAVEL). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3692) to amend section 2(3), section 8c(2), section 8c(6)(I), and section 8c(7)(C) of the Agricultural Marketing Agreement Act of 1937, as amended, introduced by Mr. MURPHY (for himself and Mr. CRANSTON), was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

S. 3692

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Agricultural Adjustment Act of 1933, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is further amended as follows:

(1) Section 8c(2), as amended, is further amended by inserting "pears," after the words "canned or frozen" where they first appear and also before "olives" in subdivision (a) in the first sentence thereof.

(2) Subsection (I) of section 8c(6), as amended, is further amended by striking "fresh" immediately before "pears" in the proviso.

(3) Section 2(3) of the Act is amended by inserting "such marketing research and development projects provided in section 8c(6)(I)", immediately after "establish and maintain".

(4) Section 8c(7)(C) of the Act is amended by inserting "or pears," immediately after "a marketing order applicable to grapefruit" and by replacing the period following "in such order" with a colon and adding "*Provided*, That in a marketing order applicable to pears for canning or freezing the representation of processors shall not exceed 33⅓ per centum of the total membership of such agency."

(5) Section 8c(19) is amended by adding at the end thereof the following: "For the purpose of ascertaining whether the issuance of an order applicable to pears for canning or freezing is approved or favored by producers as required under the applicable provisions of this title, the Secretary shall conduct a referendum among producers in each State in which pears for canning or freezing are proposed to be included within the provisions of such marketing order and the requirements of approval or favor under any such provisions applicable to pears for canning or freezing shall be held to be complied with if, of the total number of producers, or the total volume of production, as the case may be, represented in such referendum, the percentage approving or favoring is equal to or in excess of 66⅔ per centum except that in the event that producers in any State fail to approve or favor the issuance of any such marketing order, it shall not be made effective in such State."

S. 3696—INTRODUCTION OF A BILL TO PROVIDE FOR TEMPORARY OR INTERMITTENT EMPLOYMENT OF CERTAIN EMPLOYEES

Mr. MOSS. Mr. President, I introduce a bill to amend title 5 of the United States Code to revise the law governing the method whereby the Federal Government procures the personal services of experts and consultants on a part-time or intermittent basis, and to increase the allowable per diems paid therefor to present-day economic realities.

Under present law, such services can be procured by the Federal Government only in accordance with authorizations contained in individual appropriation bills or other specific statutory provision. Section 3109 of title 5 of the United States Code so conditions agency power. This situation has produced a number of undesirable results including lack of uniformity among the agencies, inadequate and disparate rates of per diem paid, and most important, disposition of qualified experts to refrain from proffering their services to the Government. The net effect is a situation operating to the Government's disadvantage calling for remedial legislative relief. My bill provides for this necessary relief.

Experience under present law has clearly demonstrated that the appropriations process is a cumbersome, inadequate, and generally undesirable method under which to procure these types of services. Several years ago, the House Committee on Appropriations, Subcommittee on General Government Matters, requested the Bureau of the Budget to conduct a study in the hiring of experts and consultants on a part-time basis. The Budget Bureau found that dozens of separate authorizations were, in fact, contained in other statutes which permit differing per diem payments. In its report to the committee's chairman, the Budget Bureau concluded that there exists no uniformity as to the conditions under which these services are, and should be, obtained.

Based on these findings and conclusions, the Budget Bureau recommended an amendment to Federal law: First, to provide general authority for the employment of experts and consultants, or firms thereof, without the need for additional authority in appropriation or other acts; second, to provide for Presidential regulation of the conditions under which both types of expert and consultant services may be procured and paid for; and, third, to provide that all authorizations in other statues for obtaining expert and consultant services be subject to Presidential regulations unless specifically exempted by legislation.

Experience has also clearly demonstrated the need to increase payable per diems for such services to present-day economic realities. The longstanding suspicion that present rates almost guarantee that the Government will not get first-rate people in its hiring of temporary experts and consultants was recently borne out by a nationwide poll conducted by the National Society of Professional Engineers. This organization, consisting of some 67,000 members, all of whom are qualified by academic training and demonstrated ability to have become licensed under one or more of the various State engineering registration statutes, conducted a survey last year from among its membership engaged in private engineering practice. These individual professionals were requested to indicate per diem payments according to their types of clients—Federal Government clientele, State government clientele, local government clientele, and private clientele.

By an overwhelmingly large margin, the majority of these licensed engineers charge and are paid rates exceeding those generally allowed by the Federal Government. This is true not only with respect to private clients, but also with respect to State and local governments.

A similar condition undoubtedly prevails in other fields as well. The Bureau of the Budget report to which I referred earlier, based on the Bureau's study, recommended raising per diem rates payable to individual experts and consultants as a means of obtaining the temporary services of the highly qualified individuals which the Federal Government needs.

My bill provides that an agency may procure the temporary or intermittent services of experts, consultants, or stenographic reporters, or an organization thereof, by contract for a period not in excess of 1 year. It provides that the services thereby procured, as well as any procured under any other provision of law, must be obtained under such conditions and regulations as the President may prescribe and, except where a higher rate is specifically authorized by law or regulation, at rates of pay for individuals not to exceed the rate for GS–18 of the General Schedule. And in connection with the rate bearing relationship to GS–18, the Bureau of the Budget had previously recommended that the total amount as thus calculated with respect to these services should include allowance for annual leave and Government fringe benefits.

Finally, my bill would exempt, for this purpose, application of appropriate provisions of present law governing appointment in the competitive service, advertising requirements other than in the case of an organization of stenographic reporters, and the classification and General Schedule pay rate sections.

The PRESIDING OFFICER (Mr. HUGHES). The bill will be received and appropriately referred.

The bill (S. 3696) to amend title 5, United States Code, to provide for the temporary or intermittent employment of experts, consultants, or stenographic reporters, and for other purposes, introduced by Mr. Moss, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

S. 3697—INTRODUCTION OF CLEAN LAKES ACT OF 1970

Mr. MONDALE. Mr. President, 2 weeks ago Congress adopted the Water Quality Improvement Act conference report, clearing the way for the enactment of a comprehensive program to improve the deteriorating condition of our water-